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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/841,423 | 04/23/2001 | John Carney | 004572.P003 | 5451 |

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EXAMINER

BUI, KIEU OANH T

| ART UNIT | PAPER NUMBER |
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2611

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/841,423 | Applicant(s) CARNEY ET AL | |
| | Examiner KIEU-OANH T. BUI | Art Unit 2611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wistendahl et al. (U.S. Patent No. 6,496,981, B1).

Regarding claim 1, Wistendahl discloses “in an interactive television (TV) environment, a method for providing interactive TV content comprising: tagging interactive TV content with one or more keys or personalization data; and transmitting the tagged interactive TV enhancement to one or more receivers such that the receivers are to output or make use of selectively the interactive TV content based on the keys or personalization data”, i.e., interactive TV content, as shown in Fig. 2, col. 2/lines 35-65 & col. 6/lines 17-38, a user of the present system can tag the interactive TV content with one or more keys, as shown in Figs. 5b & 5c and col. 11/line 43 to col. 12/line 18 as one or more key frames for tagging the interested interactive TV content as the plane is moving with a plurality of tagged key frames, and the tagged keys or personalization data is provided to one or more receivers for storing and/or for later use, at step 51e of Fig. 5e and col. 6/lines 39-59 for a various receivers. In addition, personalized content

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data is tagged using the SMPTE time codes, and the tagged frames or customized contents are delivered to the set top box (refer to col. 15/lines 8-56 for an example for customized contents are tagged).

As for claims 2 and 3, Wistendahl further discloses “comprising: receiving the keys or personalization data” (col. 11/line 65 to col. 12/line 18 for keys are received) and “comprising: delivering one more keys or personalization data to the receivers or to one or more network system nodes”, i.e., the tagged keys or personalization data is provided to one or more receivers for storing and/or for later use, at step 51e of Fig. 5e and col. 6/lines 39-59 for a various receivers including a storage of a video server, as illustrated in Fig. 3 to one network node, refer more to col. 7/lines 14-52 for more network nodes can be applied to use as storage among different networks.

As for claim 4, Wistendahl further discloses “comprising: checking the keys or personalization data within the transmitted tagged interactive TV content with the delivered keys or personalization data, the checking to be performed by the receivers via use of a remote control or directly at a network system node using a console application”, i.e., Figs. 7a & 7b show the user can use a remote control for checking the keys or tagging the keys (referred as “hot spots”) of the interactive TV content (Fig. 4 and col. 8/lines 9-63 for the console application using at a network system node).

As for claim 5, Wistendahl further discloses “comprising: displaying the interactive TV content within the tagged interactive content based on the checked keys or personalization data” (Fig. 5a at step 50a for the retrieval or displaying of tagged interactive TV content for editing, using an editing tool, as noted in col. 10/lines 36-56, col. 11/lines 42-65, and col. 12/lines 19-49).

Regarding claim 6, Wistendahl discloses “an interactive television (TV) system comprising: a tagging module to tag interactive TV content with one or more keys or personalization data; and a transmitting unit to transmit the tagged interactive TV enhancement to one or more receivers such that the receivers are to output selectively the interactive TV content based on the keys or personalization data”, i.e., interactive TV content, as shown in Fig. 2, col. 2/lines 35-65 & col. 6/lines 17-38, a user of the present system can tag the interactive TV content with one or more keys using an object mapping tool regarding as a tagging module for tagging interactive TV content, as shown in Figs. 5b & 5c and col. 11/line 43 to col. 12/line 18 as one or more key frames for tagging the interested interactive TV content as the plane is moving with a plurality of tagged key frames, and the tagged keys or personalization data is provided to one or more receivers for storing and/or for later use, at step 51e of Fig. 5e and col. 6/lines 39-59 for a various receivers; in addition, a console processor 40 as a transmitting unit for transmitting data out to other network nodes (Fig. 4).

As for claims 7-10, these claims with same limitations are rejected for the reasons given in the scope of claims 2-5 as discussed above, and further for claim 9, Wistendahl further includes an interactive program module 41 as “a filtering module in network system nodes or in receivers to check the keys or personalization data within the transmitted tagged interactive TV content with the delivered keys or personalization data” for detecting and taking actions appropriately whether a key or keys or personalization data within the tagged interactive TV content, refer to col. 9/lines 10-27.

Regarding claim 11, Wistendahl discloses “a receiver comprising: a decoding unit to receive a broadcast with tagged interactive content, the tagged interactive content including one

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or more keys or personalization data and interactive content, and to output selectively the interactive content with the broadcast for display; and a key and personalization filtering module to receive keys or personalization data, to check if the received keys or personalization data match with the tagged keys or tagged personalization data, and, if the keys or personalization data match, to allow the decoding unit to output the interactive content with the broadcast for display”, i.e., Fig. 4 shows a receiver or a set top box with an IDM module for decoding the received broadcast with tagged interactive content, and the module detects and filter out the tagged contents or keys, refer to col. 9/lines 10-44.

As for claim 12, Wistendahl discloses “wherein the key and personalization filtering module is to receive the keys or personalization data via a network” (refer to claim 3 above).

Regarding claims 13-15, these claims for “a machine-readable medium providing instructions, which if executed by a processor, causes the processor to perform an operation comprising: tagging interactive TV content with one or more keys or personalization data; and transmitting the tagged interactive TV enhancement to one or more receivers such that the receivers are to output selectively the interactive TV content based on the keys or personalization data” with same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1-6 above.

Regarding claim 16, Wistendahl discloses “in an interactive television environment, a personalization and authorization platform architecture comprising: a personalization server to receive a television (TV) broadcast, to include interactive content with the TV broadcast, and to tag the interactive content with one or more keys and/or personalization data; and a key and personalization distribution system to provide the keys and and/or personalization data to the

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personalization server, and to deliver matching keys and/or personalization data to on or more receivers” (refer to claim 1 above, with Fig. 3 of a network server for the user to edit and tag the interactive TV content due to personal interests as a personalization server).

As for claim 17, Wistendahl further discloses “wherein the receivers are to receive the TV broadcast with the tagged interactive content, to check if the tagged keys and/or personalization data match with the matching keys and/or personalization data” (col. 2/lines 35-65 for the step of receiving the TV broadcast with the tagged interactive content addressed).

As for claims 18-19, these limitations are disclosed in claims 1-5 above.

As for claim 20, Wistendahl suggests “wherein the broadcaster or network operator determine which keys and/or personalization data to use to tag the interactive content” (col. 7/lines 42-52 for the server sends out the interactive TV content with “hot spots” regarding as tagged content to the viewer, which means the broadcaster predetermines which one is tagged in advance).

Response to Arguments

4. Applicant's arguments filed on 9/1/05 have been fully considered but they are not persuasive.

Applicant argues that Wistendahl does not teach each and every element of the claims and by pointing to a paragraph of Wistendahl stating “interactive without embedding any proprietary or platform-dependent codes in the media content” for the issue of “personalization data.” In fact, on the contrary, the mentioned feature of “embedding any proprietary or platform-dependent codes in the media content” was not claimed in the claims of the present application. However, the applicant needs to take a closer look on column 15, lines 7-56 and col. 17/lines 29-42, Wistendahl clearly teaches and discloses that the interactive TV content can be tagged or bookmarked by using a SMPTM time code for identifying the frames of streaming video signals, and the SMPTE time codes are encoded in the video signal frame-by frame during the vertical blanking interval VBI between frames and these codes transmitted with the TV contents to the set top box for storing; and as soon as the user clicks or selects “Select” and “Enter” keys on their remote control, the user’s segment of portion of tagged content regarding as “personalization data” because of his/her personalized choice of interest contents, in this example for an interactive game sequence, then the requested and tagged (or bookmarked) content will be storing and retrieving for later use as taught by Wistendahl.

Therefore, the examiner respectfully disagrees with the applicant and strongly believes Wistendahl discloses on each and every element of pending claims as previously disclosed and now further discussed in this final office action.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB

Nov. 10, 2005